

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03  
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13  
ACDA-07 SAJ-01 TRSE-00 /079 W  
-----100945Z 121984 /15

R 100922Z FEB 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 5497  
INFO USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY MOSCOW  
USMISSION EC BRUSSELS  
USMISSION NATO BRUSSELS  
AMEMBASSY LONDON  
AMEMBASSY DUBLIN  
AMEMBASSY PARIS  
AMEMBASSY LUXEMBOURG  
AMEMBASSY ROME  
AMEMBASSY THE HAGUE  
AMEMBASSY BRUSSELS  
AMEMBASSY COPENHAGEN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 02503

E.O. 11652: GDS  
TAGS: PFOR, WB, GW, EEC  
SUBJECT: DIRECT ELECTION OF THE EUROPEAN PARLIAMENT:  
FRG PLANS

REF: BONN 20480

1. SUMMARY: FRG HAS BEGUN CONSULTATIONS WITH PARLIA-  
MENT ON BOTH RATIFICATION OF AND ENABLING LEGISLATION  
FOR DIRECT ELECTIONS. FONOFF ANTICIPATES NO PROBLEM  
WITH RATIFICATION. IT ALSO ANTICIPATES APPROVAL OF  
LEGISLATION BY THE CABINET IN MARCH, SUBMISSION TO  
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PARLIAMENT IN APRIL, AND APPROVAL BY PARLIAMENT BEFORE  
JULY RECESS. THE FONOFF IS WORKING FOR SPEEDY APPROVAL,  
IN PART, SO THAT THE EXAMPLE OF THE FRG WILL INSPIRE  
OTHER EC STATES. END SUMMARY.

2. SINCE WE LAST REPORTED ON FRG PLANNING FOR  
IMPLEMENTATION OF DIRECT ELECTION OF THE EUROPEAN

PARLIAMENT (REFTEL), THE GOVERNMENT HAS MADE PUBLIC IN ITS POLICY DECLARATION OF LAST DECEMBER ITS PREFERENCE FOR A FEDERAL ELECTION LIST AND HAS BEGUN CONSULTATIONS WITH PARLIAMENT OVER DRAFT LEGISLATION. WHAT IS INVOLVED ARE THREE LAWS: 1) RATIFICATION OF THE DECISION FOR DIRECT ELECTIONS; 2) ENABLING LEGISLATION; AND 3) LEGISLATION ACCORDING STATUS AND PRIVILEGES TO THE MEMBERS OF THE EUROPEAN PARLIAMENT. DRAFTS OF ALL THREE LAWS WERE APPROVED WITH MINOR RESERVATIONS FEBRUARY 7 BY AN INTER-MINISTERIAL COMMITTEE AT THE UNDER SECRETARY LEVEL. THE FONOFF HAS TOLD US THAT ALL THREE LAWS SHOULD BE READY FOR SUBMISSION TO THE CABINET AT THE END OF MARCH FOR ITS APPROVAL AND TRANSMITTAL TO THE PARLIAMENT. IN THE MEANTIME, THE GOVERNMENT HAS KEPT PARLIAMENT (AND THE OPPOSITION) INFORMED OF THE SUBSTANCE OF THE DRAFT LEGISLATION.

3. THE TIMETABLE SET FORTH IN THE REFTEL REMAINS SUBSTANTIALLY THE SAME. ACCORDING TO FONOFF PLANS, ALL THREE LAWS WILL BE SUBMITTED AS A PACKAGE TO THE BUNDESRAT IN APRIL. THE FONOFF ANTICIPATES NO SERIOUS DEBATE ON EITHER THE RATIFICATION LAW OR THE STATUS LAW. THE OUTCOME OF CONSULTATIONS WITH PARLIAMENT ON THE ENABLING LEGISLATION IS STILL NOT CLEAR. THE GOVERNMENT COALITION HAS DECLARED ITS PREFERENCE FOR A FEDERAL LIST. THIS APPROACH, WHICH DIFFERS CONSIDERABLY FROM PRESENT GERMAN ELECTION PROCEDURES, WOULD HAVE EACH POLITICAL PARTY PRESENT ONE SLATE OF

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78 NAMES (81 MINUS THREE SEATS FOR BERLIN) TO A NATIONWIDE ELECTORATE. THE QUESTION OF A REGIONAL DISTRIBUTION OF THE SEATS WOULD BE LEFT STRICTLY TO THE POLITICAL PARTIES. THE FONOFF BELIEVES THE PARTIES WOULD ASSURE REPRESENTATION OF ALL REGIONS BY PLACING CANDIDATES FROM ALL REGIONS AT THE TOP OF THEIR RESPECTIVE LISTS. EACH PARTY'S SHARE OF THE 78 SEATS WOULD BE DETERMINED BY THE PERCENTAGE OF VOTES EACH RECEIVES. IN CONTRAST TO PRESENT GERMAN ELECTION PROCEDURES, EACH VOTER WOULD HAVE ONLY ONE VOTE, AND THAT VOTE WOULD BE FOR A PARTY, NOT FOR AN INDIVIDUAL. THE GOVERNMENT PLANS TO MAINTAIN THE 5 PERCENT CLAUSE IN ORDER TO AVOID REPRESENTATION OF SPLINTER OR EXTREMIST PARTIES. THE ADVANTAGES OF THIS APPROACH IS THAT IT IS SIMPLE: NO NEW ELECTION DISTRICTS HAVE TO BE DRAWN. IT ALSO ASSURES REPRESENTATION IN THE EUROPEAN PARLIAMENT OF BOTH PARTIES IN THE GOVERNING COALITIONS, A POINT IN WHICH FOREIGN MINISTER GENSCHER'S FDP ALWAYS HAS A HIGH

INTEREST.

4. THE OPPOSITION PARTIES HAVE, HOWEVER, MAINTAINED  
THEIR PREVIOUSLY STATED PREFERENCE FOR STATE LISTS.  
UNDER THIS SYSTEM THE 78 SEATS WOULD BE DIVIDED AMONG

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ACDA-07 SAJ-01 TRSE-00 /079 W  
-----100946Z 121998 /15

R 100922Z FEB 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 5498  
INFO USMISSION USBERLIN  
AMEMBASSY BERLIN  
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AMEMBASSY ROME  
AMEMBASSY THE HAGUE  
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AMEMBASSY COPENHAGEN

C O N F I D E N T I A L SECTION 02 OF 02 BONN 02503

THE STATES ACCORDING TO THEIR POPULATION. SINCE TWO  
OF THE STATES (BREMEN AND THE SAARLAND) ARE TOO  
SMALL TO BE ENTITLED TO REPRESENTATION UNDER THIS  
SYSTEM, THEY WOULD PROBABLY BE JOINED WITH ONE OF THE  
LARGER STATES FOR THE PURPOSES OF THIS ELECTION.  
UNDER THIS APPROACH IT IS POSSIBLE TO HAVE DIRECT  
REPRESENTATION OF VOTERS THROUGH CONTESTED ELECTIONS  
BY ELECTION DISTRICT. THE CDU AND CSU BOTH SEE MERIT

IN THIS ARRANGEMENT. THEY CITE THE ADVANTAGES OF  
DIRECT REPRESENTATION OF SPECIFIC DISTRICTS BY  
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INDIVIDUAL REPRESENTATIVES (AS IS THE CASE WITH ONE-  
HALF OF THE MEMBERS OF THE BUNDESTAG). THE LIKELIHOOD  
THAT THEY WOULD FARE BEST AT THE POLLS UNDER THIS  
SYSTEM, AT THE COST OF THE FDP PRINCIPALLY, DOES NOT  
LESSEN THEIR SUPPORT. IN ADDITION, IN THE CASE OF A  
COUNTRYWIDE LIST, THE CDU AND CSU WOULD BE FACED WITH  
THE DIFFICULT DECISION OF WHETHER TO NOMINATE  
CANDIDATES IN ALL ELECTION DISTRICTS OR TO PRESENT  
CANDIDATES THE TWO COULD JOINTLY SUPPORT.

5. THE BUNDESRAT HAS VETO POWER OVER THE RELATIVELY

UNIMPORTANT LEGISLATION GRANTING STATUS TO THE  
PARLIAMENTARIANS, BUT NOT OVER RATIFICATION OR ENABLING  
LEGISLATION. NEVERTHELESS, GIVEN THE GOVERNMENT'S  
STRATEGY OF TREATING THE THREE PIECES OF LEGISLATION  
AS A PACKAGE, THE OPPOSITION'S CONTROL OF THE BUNDES-  
RAT RAISES THE POSSIBILITY OF ITS USING ITS POWER THERE TO  
BLOCK ALL THREE LEGISLATIVE PROPOSALS. (THE BUNDES-  
RAT'S USE OF ITS POWER LAST YEAR TO BLOCK ONE OF THREE  
AGREEMENTS WITH POLAND UNTIL A SATISFACTORY COMPROMISE  
WAS REACHED WAS A MAJOR ISSUE.) THE FONOFF DISMISSES  
THIS POSSIBILITY, CITING THE SUPPORT THAT DIRECT  
ELECTION OF THE EUROPEAN PARLIAMENT ENJOYS FROM ALL  
MAJOR PARTIES.

6. OUR FONOFF SOURCES TELL US THAT THE FRG IS  
DETERMINED TO PROCEED RAPIDLY AND GAIN PARLIAMENTARY  
APPROVAL OF THE LEGISLATIVE PACKAGE BEFORE THE JULY  
RECESS. IT WANTS TO ALLOW A LONG TIME FOR THE  
SELECTION OF CANDIDATES. MORE IMPORTANTLY, IT WANTS  
ITS SPEEDY ACTION TO SERVE AS AN EXAMPLE TO THE OTHER  
EC MEMBERS AND, HOPEFULLY, TO INSPIRE THEIR PARLIA-  
MENTS.

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7. ON BERLIN, WE NOTE THAT THE CITY'S POPULATION IS  
NOW ESTIMATED TO ENTITLE IT TO THREE REPRESENTATIVES.  
THE FRG HAS DISTRIBUTED COPIES OF ALL THREE DRAFT LAWS,

DESCRIBED ABOVE, IN THE BONN GROUP. WE WILL BE  
COMMENTING SEPARATELY ON THE PLANS FOR HANDLING BERLIN  
REPRESENTATION AS REFLECTED IN THE DRAFT LEGISLATION.

8. COMMENT: ANY SYSTEM OTHER THAN A FEDERAL LIST LOOKS  
LIKE A REAL POLITICAL THICKET. GIVEN THE OPPOSITION'S  
STRENGTH IN BOTH THE BUNDESTAG AND BUNDESRAT, WE CANNOT  
DISMISS THE POSSIBILITY THAT THE GOVERNMENT'S TIMETABLE  
MAY SLIP A BIT. THE FACT THAT THE OPPOSITION'S CONTROL  
OF THE BUNDESRAT IS BASED ON COALITION GOVERNMENTS WITH  
THE FDP IN TWO STATES INDICATES THAT THE CDU/CSU MAY NOT BE ABLE TO  
USE THEIR POWER TO BLOCK A FEDERAL LIST. THEY HAVE,  
HOWEVER, THE CAPABILITY TO MAKE TROUBLE IF THEY WISH.  
THE FONOFF IS CORRECT TO POINT TO WIDESPREAD SUPPORT  
AMONG ALL MAJOR POLITICAL PARTIES FOR DIRECT ELECTIONS.  
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## Message Attributes

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**Disposition Approved on Date:**  
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**Disposition Date:** 22 May 2009  
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**To:** STATE  
**Type:** TE  
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